

EXHIBIT 15

6/21/2015

SIX Attempt Limit Rule USMLE Step I - RICHARD KATZ

SIX Attempt Limit Rule USMLE Step I

RICHARD KATZ

Richard Katz, M.D.

State of PA

Mr. Rish <rishi@pa.gov>

Rep. David Parker <dparker@panousegop.com> <dparker@panousegop.com>

Katz - Richard 06314751 Response.pdf, Richard Katz%2C MD (1).pdf

Email Dated 06/08/2015 @ 1:30 PM

Sent To: Mr. Rish

State of PA Board Of Medicine

Mr. Rish has not responded to date

Case Number: 3:15-cv-01187

Dear Mr. Rish:

My Attorney Charles Weiner sent me the attached copy of your letter dated June 4th 2015. Please note Attorney Weiner is only reviewing the NBME request for accommodations on the USMLE Step 1 exam as he stated in his April 7th 2015 letter to the Pennsylvania State Medical Board. This is outside of the parameters of the USMLE Six Attempt Limit Rule for which Attorney Weiner can do nothing to help my current situation. This was the reason for contacting Rep David Parker's Office in Stroudsburg. Rep David Parker is copied in this email. I was seeking relief at the State level from Rep. David Parker's Office who has jurisdiction in matters such as this. This was at the suggestion of Senator Toomey's Office who helped facilitate the Justice Department Federal Component of this problem under the ADA that is within their jurisdiction.

I have just reviewed your letter with Attorney Weiner and there is currently an issue at hand that goes back to an email that was sent to NBME Disability Services on April 20th 2014 that I am Forwarding to your attention below. This email was also in the packet that I sent to your attention by US mail. I am not sure if this email was discussed at your May 19th 2015 meeting.

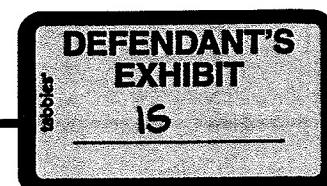
Currently I am NOT able to apply for exam accommodations due to my disability through NBME Disability Services because I am NOT able to actively register for USMLE Step I based on the Six Attempt Limit Rule. I have essentially been locked out of their computer system for USMLE Step I. I can however still apply for Step II CS and CK as I still have attempts left for these steps. The reason for contacting you was to justify a waiver from the State Board so I may actively apply for the Step I exam and would subsequently then be permitted to apply for Exam A :commodations with Attorney Weiner's help. At this point we are not able to apply for Exam Accomodations because I am unable to apply for the exam on the ECFMG website.

This is really a Catch22 situation that I am currently subject to. Would it suffice the PA Medical Board, if I apply for Step II CK, attempt to obtain Exam Accommodations through NBME Disability Services with Attorney Weiner's help? Would the State Medical Board then consider the waiver for Step I? Please advise accordingly. I am quite perplexed at this point.

Please contact me at (570) 517-9314 to discuss this matter further, or if you prefer I would be willing

<https://outlook.live.com/owa/projection.aspx>

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to make an appointment to come see you personally so we may discuss this in person.

Thanks for your time,

Richard Katz

From: RICHARD KATZ
Sent: Sunday, April 20, 2014 5:21 PM
To: disabilityservices@nbme.org
Subject: RE: Test Accommodations

Dear Disability Services:

The issue at hand is the fact that the Office of the USMLE Secretariat is NOT granting me another attempt at USMLE Step I. Because of this, a written formal request for test accommodations is not possible at this time (albeit I still have attempts left for USMLE Step 2 CK as well USMLE Step 2 CS). It would prove to be futile if I am not eligible to sit for USMLE Step I as I will never be granted the opportunity to be licensed in the United States without USMLE Step I (even if I were successful at Step 2 CS & CK).

You state in your email the following; "The United States Medical Licensing Examination (USMLE) Program provides reasonable and appropriate accommodations in accordance with the Americans with Disabilities Act for individuals with documented disabilities who demonstrate a need for accommodation."

I don't fully agree with the above statement as I am currently subject to a catch22 situation. I provided reasonable and appropriate documentation warranting accommodations for my disability for USMLE Step I as well as USMLE Step 2 CS and CK, however it appears to be pointless from a medical licensing perspective if I am no longer able to sit for USMLE Step I. You see even if I were to be granted accommodations for Step 2 CS and Step 2 CK due to my disability and happen to get a passing score on these exams I am still no longer eligible to sit for USMLE Step I based on the Six Attempt Limit Rule. My interpretation based on The Office of USMLE Secretariat letter dated April 17th 2014 (see attached) is that the Office of the USMLE Secretariat is focusing on the *policy* of The Six Attempt Limit Rule outside the parameters of any documented disability. Because of the way the policy is structured, it puts an individual in my current situation in a quagmire because NBME Disability Services can not process a request for Test accommodations for USMLE Step I without the formal request. And a formal request can not be submitted without successfully registering for USMLE Step I.

So, because the Office of The USMLE Secretariat is not granting me another attempt at Step I due to the Six Attempt Limit Rule NBME Disability Services will have my file for Test Accommodations for Step I on perpetual hold as the ECFMG website currently is restricting me from registering for USMLE Step I.

I am aware that the Six Attempt Limit Rule is a rule that was instituted by the USMLE Organization and was not instituted by NBME nor ECFMG, if this is the case than maybe Disability Services should be a function of the Office of USMLE Secretariat, because my disability was never acknowledged as a factor in their April 17, 2014 letter. Moreover, the only acknowledgement that I received from NBME regarding the detailed documentation of my disability is that my file will be kept on hold until NBME disability services receives a formal request for a Step I exam that I am no longer able to register for. I believe that there is currently a flaw somewhere in the USMLE policy since instituting the Six Attempt Limit Rule for an

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individual such as myself and this policy may warrant revision at this time.

Best regards,

Richard Katz
USMLE ID 0-631-475-1

> From: disabilityservices@nbme.org
> Subject: Test Accommodations
> To: cat2400@msn.com
> Date: Tue, 8 Apr 2014 09:49:42 -0400
>
> Dear Mr. Katz,
>
> We have received material on your behalf pertaining to test accommodations for the USMLE; however, we have not yet received your formal request. Since we have not received a written request for test accommodations directly from you, we cannot take any action based on the information you have submitted. Your paperwork will remain in a pending status until a request is received.
>
> The United States Medical Licensing Examination (USMLE) Program provides reasonable and appropriate accommodations in accordance with the Americans with Disabilities Act for individuals with documented disabilities who demonstrate a need for accommodation. If you would like to request test accommodations for your Step exam please submit a request for testing accommodations.
>
> Guidelines to request test accommodations and all appropriate forms may be accessed on the USMLE website at www.usmle.org. If you have any questions, please contact the office of Disability Services at 215-590-9700.
>
> Sincerely,
>
> Disability Services
> National Board of Medical Examiners
> 3750 Market Street
> Philadelphia, PA 19104
>
> Phone: 215-590-9700
> Fax: 215-590-9422
> Email: disabilityservices@nbme.org <<mailto:malbrecht@nbme.org>>
>
>
> This email message and any attachments may contain privileged and/or confidential business

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* To date Pennsylvania State
Medical Board Has Not
Responded to inquiry.

From:

Richard Katz

3364 Parker Lane
East Stroudsburg, PA
18301



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